

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT T. STOOKSBURY, JR.,)
)
Plaintiff,)
) No.: 3:09-CV-498
v.) (VARLAN/GUYTON)
)
MICHAEL L. ROSS, *et al.*,)
)
Defendants.)

ORDER

This civil action is before the Court on plaintiff's Motion for Award of Treble Damages Pursuant to 18 U.S.C. § 1964(c) [Doc. 393]. Plaintiff requests that the Court enter an order awarding plaintiff treble damages pursuant to 18 U.S.C. § 1964(c). Defendants oppose the motion on the grounds that plaintiff failed to prove at trial that any of his damages were proximately caused by the predicate acts on which the Court granted default judgment [Doc. 396].

As an initial matter, the Court notes it has considered defendants' argument in various other contexts in this litigation, and declines to explain again why it lacks merit. The Court further finds that plaintiff's motion is well taken. On February 28, 2012, the jury returned a verdict in this case, finding plaintiff entitled to recovery of \$3,546,915.00 from defendants for their violations of 18 U.S.C. §§ 1962(c) and (d) [Doc. 383]. Section 1964(c) provides that "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and *shall*

recover threefold the damages he sustains and the cost of the suit" 18 U.S.C. § 1964(c) (emphasis added). The Court therefore finds plaintiff is entitled to \$10,640,745.00 for defendants' violations of 18 U.S.C. §§ 1962(c) and (d).

Accordingly, upon review of the record and the applicable law, the Court hereby **GRANTS** plaintiff's Motion for Award of Treble Damages Pursuant to 18 U.S.C. § 1964(c) [Doc. 393], and it is **ORDERED**, pursuant to Rule 52(b) and 18 U.S.C. § 1964(c), that plaintiff shall recover from defendants, as treble damages, \$10,640,745.00 (ten million, six hundred forty thousand, seven hundred forty-five dollars).

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE